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NSC FOR ABRAMS/DORAN/WERNER/SINGH

TUNIS FOR PETER MULREAN

DEPARTMENT FOR OWEN KIRBY

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TAGS: KDEM LE PGOV PHUM

SUBJECT: MGLE01: RESIGNATIONS STALL NATIONAL ELECTORAL COMMISSION

Classified By: Charge d'affaires Christopher W. Murray. Reason: Sections 1.4 (b) and (d).

SUMMARY AND COMMENT

11. (C) Last week, Ziad Baroud and Michel Tabet, the two Maronite members of the National Commission for Reform of the Electoral Law, resigned from the commission citing disagreement over the commission's redistricting plans. Baroud and Tabet claim they resigned because of procedural disagreements with commission chair Fouad Boutros, but other observers suggest there may be political and sectarian pressures involved. Baroud was visibly shaken in the days following his resignation, and flatly denies having come under any political pressure. Still, for the tremendous effort they have put in to the draft law over the past several months, it is difficult to believe that Baroud and Tabet would have resigned at the last minute solely because of technical disagreements. The Embassy suspects other political factors played a role in the Baroud-Tabet resignations. While the current fallout over districting has delayed progress on electoral reform, it doesn't negate the considerable progress that national commission has made in other areas of the draft electoral law. The Embassy will continue to consult members of the national commission and civil society on the status of the draft electoral law, and will continue to support electoral reform as a pillar of our democracy agenda in Lebanon. End summary and comment.

TWO RESIGNATIONS

12. (C) By late February, the National Commission was completing nearly seven months of intensive work in drafting a new Lebanese electoral law. The pillars of the new law reportedly include a proportional electoral system for parliamentary elections, the institution of an independent election commission and media and campaign finance laws. The commission apparently left the contentious issue of districting, however, for last. Embassy sources on the national commission, including commission chair Fouad Boutros himself, claim that at one point, the commission was considering as many as five different districting proposals. As the February 28 deadline approached (already once extended from January 8), Boutros requested a short extension from Prime Minister Siniora, so that the release of the commission's draft law would not be eclipsed by the ongoing national dialogue. Siniora agreed, but one week later commission members Ziad Baroud and Michel Tabet delivered

their formal resignations to the Prime Minister by registered courier. The next day, they issued a joint press statement announcing their resignations, citing, "technical disagreement" and concerns that the commission was neglecting its duty to produce a fair, democratic electoral law.

BAROUD RESIGNS OVER
TECHNICAL DISAGREEMENT

¶3. (C) On March 10, Emboff called on Ziad Baroud at his office in Achrafieh to discuss his resignation. Baroud argued that his falling out with the commission had been over procedural and technical issues, not a sectarian dispute as the Lebanese press was suggesting. According to Baroud, the commission was planning on submitting as many as five different districting proposals to the Council of Ministers. He was worried that the government would adopt the worst proposal, and then say that it was endorsed by the commission. Baroud claimed that if the commission had agreed on one proposal, he would have stayed on, even if he disagreed with it himself. He said he would have written a dissenting opinion, but at least the commission would have fulfilled its mission.

¶4. (C) Baroud claimed that it was unlikely the commission would agree on just one proposal, however, and that their main problem was essentially managerial. Fouad Boutros had failed to provide a framework for the debate on districting, Baroud said, and he then failed to mediate any disputes between commission members. Baroud said that as commission members were drafting various districting proposals, they hadn't even agreed a basic framework determining whether they were bound by the Ta'if Accords' requirements on large

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districts, the size of districts themselves, how many individuals each parliamentary seat should represent, and whether or not they would take any special measures to protect Lebanon's various minority groups.

BAROUD AND THE PATRIARCH

¶5. (C) Emboff asked Baroud if he, or any other commission members, had come under any political pressure as they were considering the districting proposals. Baroud said he hadn't, but appeared resigned to the fact that people would think he quit the electoral commission because of a sectarian dispute.

¶6. (C) Baroud then described a convoluted series of events involving his resignation and the Maronite Patriarch. Baroud said that he had spent "a lot of time" with the Patriarch to convince him that proportional representation wouldn't diminish Christian influence inside Parliament. Shortly after the Patriarch finally endorsed a proportional electoral law, however, he reversed himself and came back out in favor of the current majoritarian system. The reversal upset commission chair Fouad Boutros, who, in a separate meeting with the Ambassador, said that the Patriarch had been swayed by "fanatics." Then, after visiting the Patriarch himself, Baroud said that Boutros angrily told him, "Your Patriarch doesn't agree with your position." A few days later, Baroud resigned from the electoral commission.

¶7. (C) "It's not a sectarian issue, though," Baroud repeated. Still, he described a continuing power struggle gravitating around the Patriarch. Within 24 hours of his resignation, Boutros approached Siniora and the Patriarch to ask for their help in selecting two new Maronites to fill Baroud's and Tabet's positions on the commission. The Patriarch refused, and during his Sunday sermon said that Boutros should invite Tabet and Baroud back to resolve the issues that provoked their resignation in the first place. The Council of Ministers asked Prime Minister Siniora to

consult Baroud and Tabet as well (he had not yet done so one week after the resignations). Different members of the Christian community came down on different sides of the issue. Lebanese Forces MP George Adwan backed up the Patriarch's call to consult with Tabet and Baroud. Baroud also complained that fellow commission member Fayed Hajj Chahine (a Catholic, and Dean of Saint Joseph University School of Law) visited the Patriarch himself and asked him to support the replacement of Baroud and Tabet. the Patriarch reportedly told Hajj Chahine that the pair should only be replaced if their professional capabilities are in doubt, not if they were in technical disagreement with the commission. Hajj Chahine reportedly reiterated his desire that they be replaced.

BAROUD ISOLATED

¶ 8. (C) Fighting back tears, Baroud said he hadn't been in contact with any of the remaining commission members since his resignation. "They're all pissed off at us," he lamented. He said that the UNDP had withdrawn its offer to have him lead a series of workshops and roundtables about the electoral law after it is released to government. Hassan Karayem, the UNDP's coordinator for electoral issues in Lebanon reportedly told Baroud that it would be inappropriate for him to be involved with the electoral law after his resignation. Baroud did say that civil society was supporting him, however, and that the Lebanese Association for Democratic Elections (LADE, Lebanon's first electoral action group, of which Baroud himself is a founding member), offered to come out with a statement defending his decision to resign. Baroud asked that they not release it, however, in hopes of limiting the public sniping over the electoral law.

BAROUD UNDER THREAT?

¶ 9. (C) Baroud then described an incident that took place two weeks earlier, in which the security camera outside his law office was destroyed and then his name was scratched out from his law firm's signs by their front door and street level entrance. He said the incident un-nerved him and could only

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think that it was related to the electoral law, but he couldn't figure out why. He said he wasn't representing any criminal cases and couldn't think of any of his regular clients who might be upset with him. Baroud said that he'd gone to the police right after it happened, but that they didn't have any leads and that he didn't think they'd develop any. In the meantime, he said, it was just one more thing keeping him up at nights.

TABET BLAMES BAROUD AND BAD MANAGEMENT

¶ 10. (C) On March 13, emboffs visited former commission member Michel Tabet in Ziad Baroud's Achrafieh law office (Baroud was not present). Tabet had asked to hold the meeting in Baroud's office to avoid an awkward run-in at his Saint Joseph University office with law school dean and commission member Fayed Hajj Chahine). In stark contrast to Baroud's distraught, emotional delivery, Tabet gave a measured, detached, nearly clinical account of his final days with the national commission. According to Tabet, the national commission started to break down in mid-January as their original deadline approached and they had not yet decided on a system for determining electoral districts.

¶ 11. (C) Tabet said that Boutros told Prime Minister Siniora that the commission had completed its mission and only needed a short extension for editing purposes (national commission members told us the same thing at this time). This, however, was untrue, according to Tabet. There were still fundamental

disagreements among commission members over the division of districts. Tabet said that in the most prominent proposal, districts were not divided proportionally among regions. In this nine muhafaza district formula (one more than the present eight), Lebanon's northern district would be divided in two with seven seats reserved for the Sunni Muslim dominated, pro-Syria Akkar region, and 22 seats reserved for the remaining Christian-dominated north. The same proposal gerrymandered the borders of other districts to dilute the electoral strength of areas containing conservative Muslim populations by incorporating them into more moderate urban centers.

¶12. (C) Tabet opposed the nine district plan and said he preferred an alternate 13 district plan which divided seats equally between the regions. Tabet said the commission was at an impasse over the two proposals, which led commission member Nawaf Salam to propose an alternate plan for 64 parliamentary seats to be elected under a majoritarian system at the qada (small district level), while the remaining seats would be elected through a proportional system at the muhafaza (large district) level. Tabet argued that this would create two classes of parliamentarians, one elected to office on 10,000 votes, the other elected with 100,000. Because of this double standard, Tabet argued that Salam's proposal violated the spirit of the Ta'if Accords and a previous ruling of the constitutional council which decided that, "one criterion must be applied when dividing Lebanese territory into electoral districts."

¶13. (C) Finally, Tabet said, Fouad Boutros said he would make the final decision after consulting all of the commission members, "This was a bad idea, though," Tabet said, "because everyone knows that Boutros is indecisive." Indeed, after consulting all of the commission members, Boutros announced that he would submit five or six electoral plans to the government and allow it to choose through the council of ministers or parliament. Tabet rejected this solution, saying, "we are not the faculty explaining the different systems. If the government could make a choice, they would not have asked us to do the work." Like Baroud, Tabet said that if Boutros had decided on just one proposal, even if it had been one he disagreed with, he would have stayed on the commission and simply written a dissenting opinion on the issue of districting. Tabet said that he and Baroud felt that the commission was failing in its duty by not deciding on a districting system, however, and, convinced that the commission would be unable to select one system, they saw no choice but to resign.

REPLACEMENTS AND POLITICS

¶15. (C) Tabet said that the council of ministers had asked

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Siniora to meet with Baroud and him before he could choose any replacements. In the meantime, he said, the commission was stuck. "I would be happy if they replaced us," Tabet said, but he thought it was unlikely they would. Tabet seemed confident that he had made the right decision and seemed to believe they would be invited back to the commission, or that their view would prevail and that the commission would decide on one proposal.

¶16. (C) Tabet discounted the notion that he was subject to any political pressure to modify the electoral districts or to resign. He said he couldn't speak for any of the other commission, but was adamant that he and Baroud were independent. Tabet said he had recently chastised the Lebanese daily As-Safir newspaper for reporting that he and Baroud engaged in consultations with the Patriarch at Bkirki. "These accusations were absolutely not true," Tabet told us.

(Note: Baroud had mentioned only three days before, however, that he had visited the Patriarch several times in an attempt to win his endorsement for a proportional

electoral system. End Note).

COMMENT

¶17. (C) Baroud and Tabet's assurances that they resigned from the commission because of purely technical disagreements are not entirely persuasive. Especially given Baroud's profound state of distress at finding himself separated from the commission, it is difficult to believe that he would have resigned over a mere procedural issue. This seems especially true when both Tabet and Baroud say they would have been willing to stay on the commission with a districting scheme they disagreed with, as long as they could write a dissenting opinion. Why resign from the commission if it offers the government a choice of five districting proposals of varying quality, but offer to stay on if it puts its endorsement behind just one bad proposal? This doesn't seem plausible.

¶18. (C) Comment continued. While it is understandable that Tabet and Baroud want to avoid portraying their resignation as part of a sectarian dispute, it is difficult to view the resignations outside of these terms. It becomes a sectarian issue in Lebanon just by virtue of the fact that the commission's only two Maronites have resigned. And public statements on the resignations by Maronite heavyweights including George Adwan, Michel Aoun and the Patriarch himself only highlight the confessional aspect of the national commission's breakdown.

¶19. (C) Comment continued. As for Baroud and Tabet's assurances that the resignations were based on procedural concerns, this too seems unlikely, especially in light of Baroud's admission that he made frequent visits to the Patriarch to "explain" proportional representation theory. While certainly well intentioned, other commission members may have felt that Baroud had opened the commission's deliberations up to outside political influence and may have pressured him to resign themselves. That would explain Baroud's apparent shock and dismay at leaving the commission. As one of the core members of the electoral commission, and one of the most dedicated and long standing proponents of electoral reform in Lebanon, it is hard to believe that Baroud would resign from the electoral commission just because of a dispute with Fouad Boutros about procedures or "frameworks."

¶20. (C) Comment continued. Where does this leave the electoral law? Lebanon finds it difficult to focus on more than one crisis at time, and the national dialogue will most likely continue to dominate headlines for the next couple of weeks. But this could leave space for progress on the national commission behind the scenes. And even without a decision on districting, by all appearances the national commission has drafted a thoughtful, reform-oriented electoral law that includes provisions for a proportional representation system, an independent electoral commission, media and campaign finance laws, expatriate voting, voting rights at the age of 18, and a quota for female candidates on voting lists.

¶21. (C) Comment continued. Where does this leave us? Promoting electoral reform is one of the pillars of our democracy strategy for Lebanon. The participation of Paul

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Salem, Nawaf Salam and Ziad Baroud on the electoral commission has previously been a guarantee that the national commission's draft law would be something that the international community would want to endorse. Given that the vast majority of the draft law has been completed and that it has the consensual approval of the electoral commission, we can remain reasonably sure that the national commission's final product will be worth supporting. Ziad Baroud's resignation, however, may be a foreshadowing of bruising political battles as the draft law goes before the

cabinet and parliament. We should continue our cooperation, in coordination with MEPI and DRL, with our local consortium of NGOs to support electoral reform in Lebanon. Post recommends, however, that we continue to evaluate the situation surrounding the electoral law before committing additional funds to a media campaign or other activities related to our support for electoral reform in Lebanon. End comment.

MURRAY